

Appendix X.
Staged Implementation Approach for Wastewater Treatment Facilities in the Virginia James River Basin

With the exception of one portion of the tidal Potomac River, the tidal James River is unique throughout the Chesapeake Bay watershed in that ten chlorophyll-*a* water quality criteria (5 segments*2 seasons) are applicable to protect local and tidal water quality conditions. In the July 1, 2010 allocation of nutrients, EPA determined that attainment of these numeric chlorophyll *a* criteria would require achievement of much lower levels of nutrients than previously expected.

Specifically, in the July 2010 letter, EPA determined allocations for the James River in the amounts of 23.48 million pounds per year of total nitrogen and 2.34 million pounds per year of total phosphorus. To achieve the dissolved oxygen and water clarity criteria, EPA had previously calculated that the levels of 26.8 million pounds per year of total nitrogen and 2.69 million pounds per year of total phosphorus would be sufficient. [See TMDL Appendix O - *Setting the Chlorophyll a Criteria-Based Nutrient Allocations for the James River Watershed*] Those higher levels (to achieve DO) are roughly equivalent to the 2003 James River cap load allocation of 26.4 million pounds per year of total nitrogen and 3.41 million pounds per year of total phosphorus. (Secretary Tayloe Murphy, 2003).

Up until the July 2010 allocation, Virginia had been working to implement past strategies to meet the previous, higher 2003 cap load allocations of total nitrogen and total phosphorus for the James. To achieve total nitrogen and total phosphorus allocations sufficient to comply with the current chlorophyll-*a* criteria, absent significant reductions from other pollution sectors, it is estimated that every significant municipal and industrial wastewater treatment facility in the river basin (39 facilities) would have to install nutrient removal technologies at or below limit of technology levels. In addition, due to the geographic location of the James River (southernmost river in the Bay watershed), Bay circulation patterns, and strong tidal flushing from the Atlantic Ocean, total nitrogen, total phosphorus and sediment loadings from the James River have a relatively small impact on water quality in the mainstem Bay. For these reasons, a staged implementation approach has been developed for implementing necessary nutrient reduction controls at wastewater facilities in the James River Basin to achieve the wasteload allocations of the Chesapeake Bay TMDL. As part of that staged implementation approach, EPA is establishing in this TMDL the wasteload allocations (WLA) for significant facilities in the James River as aggregate WLAs for total nitrogen and total phosphorus (Table 9-4 in Section 9 of the TMDL Report).

Total nitrogen and total phosphorus allocations from the tributary strategy for the James River sufficient to attain the dissolved oxygen criteria for the James River and Chesapeake Bay do not concurrently provide for the attainment of the James River Chlorophyll *a* criteria. Therefore, it is necessary in the TMDL to allocate more stringent total nitrogen and total phosphorus reductions in the James River than previously expected to attain the Chlorophyll *a* criteria (an additional 3 million pounds per year and 0.3 million pounds per year respectively). To facilitate that staged implementation approach, in this TMDL, EPA is establishing the more stringent wasteload allocations (WLA) for significant facilities in the James River as aggregate WLAs for total nitrogen and total phosphorus (Table 9-4 in Section 9 of the TMDL Report). The key components of the implementation strategy include:

- Near-term (2011-2017) interim effluent limits and controls under the Watershed General Permit for individual facilities implementing current and planned facility upgrades, including sixteen upgrade projects at POTWs, to achieve those portions of the wasteload allocations for total nitrogen and total phosphorus reductions that are based on the DO standards attainment, plus reductions of an additional 1.6 million pounds of total nitrogen and 200,000 pounds of total phosphorus.
- Achievement of 60% of the TMDLs overall total nitrogen and total phosphorus allocations by 2017 and 100% of the wastewater treatment plant component by no later than January 1, 2023.
- Near-term *aggregate* Chlorophyll-*a*-based effluent limits for total nitrogen and total phosphorus that apply under the Watershed General Permit to all 39 significant wastewater facilities to achieve the remaining 40% of the load reductions needed to meet the applicable aggregate wasteload allocations and the applicable Chlorophyll-*a* criteria with compliance as soon as possible pursuant to 40 CFR 122.47. Existing information suggests that compliance with this aggregate limit may not be possible until after 2017, but not later than January 1, 2023.
- Sufficient time for the Commonwealth of Virginia to perform an engineering/cost optimization study to establish which of the 39 facilities under the Watershed General Permit, and in what order, will need to upgrade treatment to meet the aggregate Chlorophyll-*a*-based limits.
- Establishment in 2017 of *facility-specific* effluent limits necessary to achieve reductions of an additional 1.0 million pounds per year of TN and 250,000 pounds per year of TP by January 1, 2022, and *facility-specific* TN and TP wasteload allocations, to inform the permit requirements of the 2018 Watershed General Permit reissuance, for each of the 39 significant WWTPs as stringent as necessary to achieve the remaining load reductions needed to meet the applicable Chlorophyll-*a* criteria. Also continue the enforceable aggregate Chlorophyll-*a*-based effluent limits for TN and TP that apply to all 39 facilities, with compliance required as soon as possible after 2017, based on present information, and not later than January 1, 2023.
- Establishment in 2018 of *facility-specific* effluent limits for TN and TP based on the facility WLAs established in 2017, as stringent as necessary to achieve the applicable Chlorophyll-*a* water quality criteria, and facility-specific compliance schedules requiring compliance with the effluent limitations for TN and TP limits as soon as possible, but not later than January 1, 2023
- EPA expects Virginia (and Virginia has committed) to reissue the Watershed General Permit and fact sheet in 2012, 2017 and 2018 to include all elements of the staged implementation approach, including any schedule of interim milestones pursuant to 40 CFR 122.47. To guide issuance of adequate permits in the James River, EPA is including the description of the projected schedule of the staged implementation approach in the Chesapeake Bay TMDL as assumptions and requirements of the applicable James River wasteload allocations. Federal law and regulation require that water quality-based effluent limits in permits must be derived from and comply with the applicable water quality standards and be consistent with the assumptions and requirements of TMDL wasteload allocations. 40 C.F.R. 122.44(d)(1)(vii)(A)&(B).